

# Manohar Singh vs N.T.P.C. And Anr. on 11 January, 2008

Delhi High Court

Manohar Singh vs N.T.P.C. And Anr. on 11/1/2008

## JUDGMENT

Mukundakam Sharma, C.J.

1. This appeal is directed against the order dated 22.11.2007 passed by the learned Single Judge dismissing the writ petition filed by the appellant herein. The appellant seems to be aggrieved by the response he received from the NTPC Limited pursuant to the order passed by the Central Information Commission (CIC).

2. The appellant herein sought for the documents on the basis of which an order was passed by the Chairman and Managing Director (CMD). The said order was passed pursuant to a meeting of the appellant with the CMD on 5th December, 2000. A communication thereafter was issued to the appellant on 3rd January, 2001 whereby the appellant was informed that the Chairman-cum-Managing Director did a scrutiny of all the issues raised by the appellant in his meeting with him and he got himself apprised of the details concerning the grievances raised by the appellant. By the said communication the appellant was further informed that after full and thorough consideration of all the issues, it was decided by the CMD that the relief could not be granted to the appellant.

3. Relying on the aforesaid communication the appellant has stated that while taking the aforesaid decision the CMD must have received certain documents and has prepared certain copies which could be furnished to him in terms of the provision of the Right to Information Act. The aforesaid request was considered at various levels. Even the Information Commissioner, Central Information Centre was moved by the appellant who passed an order on 15th February, 2007. The decision reads as follows:

3. The CPIO erred in informing the appellant that the information sought was exempt under Section 8(1)(j). This covers only if a citizen seeks information of personal nature of a third party but not of his own. I have seen the representation of the appellant dated 4/5-12-2000 and the reply dated 3.1.2001 that was sent to the appellant. In his representation given during personal hearing before the CMD, the appellant had raised a number of issues relating to his service matters. After the personal hearing, a reply was sent to the appellant stating that the CMD had scrutinized all the issues raised by the appellant and after thorough consideration of all the issues, it was not possible to grant the relief specified by the appellant. According to the AA there are no records, on the basis of which the above reply was sent, were available. If no records are available, the question of furnishing a copy of the same does not arise. However, considering the fact that when a decision of the CMD is conveyed, it should have been based on some noting made or

decision given by him in writing. I therefore direct the CPIO to make one more effort to find out whether any record of the noting or decision is available and intimate the result of the same to the appellant within 15 days of this Decision.

4. After the aforesaid order was issued, the same was placed before the respondent-NTPC by the appellant seeking for compliance of the order passed by the CIC. A communication was thereafter issued to the appellant by the NTPC wherein after making reference to the order of the CIC dated 15.02.2007 it was intimated that there was no written record in CMD's Office which led to passing of the order dated 3.1.2001. It was also made clear in the said letter that 'Meet CMD Forum' is a benevolent gesture from CMD, NTPC to meet employees and discuss their professional/personal issues with a view to help them and the same is not a formal/structured redressal procedure and therefore, no background documentation is done in such a meeting between the CMD. The aforesaid stand taken by the NTPC seems to have been taken by the NTPC throughout for which a reference is made to the earlier communication issued to the appellant by the NTPC dated 10th August, 2006. It will be clear that even on that date also a specific stand was taken that there is no specific documentation made available on the basis of which reply of CMD was sent. If there is no document available, there is no question of supplying/furnishing such document to the appellant. The learned Single Judge has appreciated the said fact and held that when no document is available, there is no question of supplying such document. There could be no direction for furnishing of any such information.

5. We find no error in the aforesaid judgment. It was submitted by the appellant, who appears in person that Information Commissioner had himself stated that if the decision of CMD is conveyed, there could be some noting or decision given by him in writing and, therefore, if any such record is available, the same could and should be supplied to the appellant. The appellant is focussing on the aforesaid observations of the Information Commissioner but while doing so he has overlooked that there is also a finding in the said order of the Information Commissioner to the effect that if no records are available, there would be no question of furnishing any copy of the same and, therefore, there might not be directions to furnish the records, if the same is not in existence. In that view of the matter, we find no merit in the appeal and the same is dismissed.